



OPP Docket, Environmental Protection Agency Docket Center
(EPA/DC) (28221T)
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Subject: Docket ID EPA-HQ-OPP-2020-0537-0001 "Pesticides: Modification to the Minimum Risk Pesticide Listing Program and Other Exemptions under Federal Insecticide, Fungicide, and Rodenticide Act"

The Pennsylvania Department of Agriculture (PDA) applauds EPA reexamining the exemption of pesticides under FIFRA Section 25(b). A reduced regulatory burden on pesticides constituted of generally safe ingredients is a benefit to consumers and manufacturers, as well as state and federal regulators. While certain pesticides may require less regulation than laid out by FIFRA's Section 3, PDA has encountered problems with how the 25(b) exemption conditions are enforced by EPA. PDA believes that enforcement must be addressed before the 25(b) category is expanded. Please note: while these comments are not formatted as specific responses to each question posed by EPA, they do provide answers to a number of the questions asked.

PDA has no suggestions for improving the current process for adding ingredients to the 25(b) lists. Current criteria are all good things to consider; however due to the number of products claiming to control mosquitos, ticks, or other pests on EPA's list of Pests of Significant Public Health Importance, PDA believes EPA should consider some level of regulation for these products. Consumers do not understand the distinction between 25(b) and section 3 products, and will implicitly link a 25(b) product to a disease transmitted by a vector the product claims to control. While a Section 3 pesticide claiming to control one of EPA's Pests of Significant Public Health Importance would require data to prove efficacy, no such burden exists for 25(b) pesticides.

PDA has found 25(b) pesticides claiming to control mosquitos, which contain active ingredients experts believe would have no efficacy. As 25(b) products are typically much lower cost than Section 3 products, consumers, particularly in low income communities, may purchase 25(b) products to control bed bugs or fleas believing their efficacy is comparable to the more expensive options. While 25(b) products may show some control of pests, it is typically much lower than would be exhibited by a Section 3 pesticide. Poor control would lead to further costs for consumers. This is to say nothing of the chance of vector-borne illnesses being transmitted due to the use of ineffective 25(b) products.

Another problem with the current conditions is the permission for 25(b) pesticides to claim control of odor causing bacteria. A CDC survey from May 2020 showed that about one third of participants engaged in misuse of disinfectants. If current use directions are already ignored, it is likely the distinction between a Section 3 registered disinfectant and a 25(b) product that kills odor causing bacteria will be ignored by the public. PDA has received numerous registration applications for such antibacterial products with 25(b) labels that claimed in marketing literature to control SARS-CoV-2. PDA has forwarded these products to EPA for enforcement and received no updates on enforcement action.

Before any further regulatory exemptions are made by EPA, PDA believes a serious effort must be made to improve enforcement of the existing regulations. While states can act on their own, federal cooperation is necessary for effective enforcement. EPA may want to consider requiring registration of all products claiming to control microbes or Pests of Significant Public Health Importance. Please don't hesitate to contact PDA with any further questions.

Regards,

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